

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1648 OF 2006

Mr. Ramesh Gupta and others .. Petitioners.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr. Majeed Memon for the Petitioners.

Mr. V.B.Konde-Deshmukh, APP for the Respondent-State.

Mr.Subodh Desai i/by M/s.Bilawala & Co.for Respondent No.2.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 09TH AUGUST, 2006.

P.C.:

1. Rule, returnable forthwith. Heard by consent of the parties through their Advocates. The Petitioners are present in the court so also the Respondent No.2.

2. Respondent No.2 has filed a complaint against the petitioners under section 498-A of Cr.P.C. and offence is registered and investigation is going on. The petitioners sought bail from the lower court.

3. Now the petitioners and respondent No.2 have compromised the matter. The wife, respondent No.2, has filed reply to the petition, which is marked as Exh. 'X' for identification. Respondent No.2 has prayed that

her complaint i.e.C.R.No.242/2006 filed at Borivali Police Station against the petitioners be quashed. We inquired from her. She states that she voluntarily consented to withdraw the said complaint and she has received compensation from the husband, petitioner No.3, as agreed between them.

4. In view of this and in view of the judgment of the Supreme Court in the case of **B.S.Joshi & Other v/s. State of Haryana and another, reported in (2003) 4 Supreme Court Cases 675**, we hereby quashed the F.I. R. against the petitioners being C.R.No. 242/2006 filed at Boriwali Police Station. The property in the custody of the Boriwali Police Station, in terms of the Panchanama, be returned to Respondent No.2. No grievance will be made by respondent No.2 about the condition of the property, lying in the custody of the police, while returning to her.

5. The passports of the Petitioner Nos. 1 and 2 be returned to them.

6. Rule is made absolute in the above terms. The petition is disposed of.

(D.G.DESHPANDE, J)

(S.A. BOBDE, J)

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